

CITY OF ABERDEEN
PLANNING COMMISSION MEETING
MINUTES

Wednesday, December 14, 2011

A meeting of the Aberdeen Planning Commission was called to order at 7:00 p.m., December 14, 2011 in the Council Chambers by Chairman Swisher.

MEMBERS PRESENT: Chairman Swisher, Commissioners Braerman, Heavey, Hersh, Kosko, Preston, and Schlottman.

OTHERS PRESENT: Councilwoman Sandra Landbeck, City Council liaison
Phyllis Grover, Director of Planning & Community
Development
Matt Lapinsky, Public Works Director
Gil Jones, Recording Secretary

The minutes for the November 9, 2011, were approved as presented.

AGENDA ITEMS:

1. Review Petition for Annexation of 830 Gilbert Road LLC
Location: 830 Gilbert Road, approximately 38.1545 acres.

Due to the number of attendees present to speak to the annexation petition, the Chairman moved this item to the top of the printed agenda.

Representatives: John Gessner, attorney, Gessner, Snee, Mahoney, & Lutche; Doug Kopeck, CNA; and Clark Turner, Clark Turner Properties.

Mr. Gessner asked the Planning Commission to consider annexation of this property with a zoning of R-1, Low Density Residential District, for the purpose of constructing single-family detached dwellings. Access points would be off Gilbert Road and through the Eagle's Rest subdivision, via the future Urmia Drive. The property would be subdivided into 50 building lots. The property is not currently classified under the Harford County Master Plan as being in the County's development envelope, so either the Master Plan would need to be changed or the County Council grant a waiver of the "5-year rule" in order to accommodate this development request.

Mr. Swisher clarified that the site plan is not under consideration this evening, just the annexation request. Mr. Gessner confirmed this to be the case and said the plan on display is merely a concept drawing. Mr. Kopeck added that the property's current Harford County zoning is AG, Agricultural.

Mrs. Grover indicated the original annexation petition was received by the City on October 4, 2011. After initial review of the petition, a letter dated October 26, 2011 requesting changes and clarifications was sent to Mr. Gessner. The amended petition was received by the City on November 22, 2011. The community information meeting was held at City Hall on November 15, 2011, with a copy of the minutes of that meeting distributed to the Planning Commission. This property is located in Planning Area 10, Gilbert, of the City of Aberdeen's Comprehensive Plan and is consistent with the land use recommendation therein. The Department of Planning & Community Development supports the annexation as presented tonight; this would serve as an extension of the Eagle's Rest subdivision that adjoins this property.

Mr. Lapinsky felt this to be a natural progression of Eagle's Rest. Were the annexation to be approved, the various agreements would proceed accordingly.

Mrs. Grover noted an e-mail and letter received from Ms. Bobbie Randles of 624 Locksley Manor Drive in opposition to this annexation (these are attached at the end of these minutes).

Mr. Hersh agreed with Mrs. Grover and Mr. Lapinsky in regards to Eagle's Rest and extension of the City's master plan, and considers this to be smart growth.

Mrs. Heavey does not agree with the City of Aberdeen's master plan in this area and feels the development envelope should not be extended to the other side of Interstate 95, so she is not in favor of this annexation. She indicated that a lot of the same players are involved with this as were involved with the former Wetlands annexation attempt, that this is just a small part of what they were trying to do.

Mrs. Kosko said at this point she has no opinion for or against the annexation for several reasons. The City's Comprehensive Plan says development in this area is permissible with low to medium density, but the accompanying chart calls for 3.5 homes per acre in order to meet Smart Growth requirements. The property is zoned AG in Harford County and proposed for R-1 in the City. She is looking for density meeting the Smart Growth requirements. Item 7 of the petition refers to capital improvements not needed – she asked who then would pay for these. Mr. Gessner said they would not expect the City to pay for any of these items. Mrs. Kosko replied that it doesn't say that in the petition. Mr. Gessner felt this to be self-evident, that the reference in the petition was to address any large capital expenditures such as a water tower. Mrs. Kosko asked what advantage this annexation would be to the City other than economic. Mr. Gessner said this would provide housing types not currently available, would add to the quality of life and economic development, add to the vibrancy and diversity of the residential base, and provide a desirable place to live for people looking to move here. Mrs. Kosko referenced the petition statement that nearby environmental features would not be significantly impacted. There is shown to be a freshwater pond and wetlands on the property, and a number of points are made by Ms. Randles in her e-mail speaking to the environmental impact. Mr. Gessner said they would have to comply with City, County, and State environmental laws, as well as storm water management regulations, and sediment and erosion control measures. There would also be restrictive covenants concerning the open space.

Mr. Schlottman expressed support of the petition as presented.

Mr. Swisher sees this as an opportunity, with a good contractor coming in and enhancing the spectrum of housing available in the City with some additional upgraded housing.

At this point, the Chairman opened the floor to public comment.

Mr. Paul Findeisen, 621 Locksley Manor Drive, is opposed to the annexation. He indicated it is outside the County's development envelope, it is an area that is environmentally sensitive, and it would be a gateway to development of The Wetlands Golf Course. He agrees with Ms. Randles' position. He feels the focus for intense development should be in the existing development envelope, with preservation of the rural buffer area around the City, and to prevent overcrowding, congestion, and poor air quality. This would also provide a green area for wildlife and preserve the rural character and quality of life in the area. He indicated this property was submitted for rezoning under Harford County's 2009 comprehensive rezoning process and was rejected. He feels if this area is to be developed, it should be done under the AG regulations of one home site per 10 acres.

Mr. Robert Price, 615 Gilbert Road, is opposed to the annexation. He feels the AG zoning should be respected. He feels this is just the beginning, that if this land is developed, the golf course will go, that this is the same group that sought to develop The Wetlands a few years ago.

Mr. Chuck Doty, 306 Edmund Street, acting as a spokesman for Aberdeen Communities Together (ACT), indicated his group is against annexation in general for the City at this time, that the City needs to straighten out the issues we currently have without the burden of providing services to additional lands. He feels previous annexations have lessened the quality of life and the value of property, and increased the cost of services provided by the City. He feels the City should pursue more commercial development to offset the residential.

These were the only comments offered by the public.

Mr. Hersh feels the owners are not the subject of this petition, it's the project itself. He feels that we can't base this project on what has happened in the past.

Mrs. Heavey feels we can't look at one project in a vacuum, that we need to look at the entire area. She feels homes on 2 to 3 acre lots, such as what are in that area now, would be more appropriate.

Mrs. Kosko expressed agreement with Mrs. Heavey that the entire area needs to be considered. She feels we do need higher caliber housing, but doesn't know if it should be in this area. She feels there are other suitable areas for development rather than this one.

Ms. Preston indicated she hasn't heard any comments that would lead her to vote against the petition itself, that everyone feels it will lead to something else. She feels the Planning Commission has to deal with this project as it is today, keeping in mind the City overall and its attempts to bring in better housing.

Mr. Braerman feels in the present environment it would be best kept as AG.

Mr. Schlottman feels there is traffic congestion already, especially off Route 22, but those people aren't coming back to Aberdeen to live. He feels a house per 10 acres is not practical or affordable. We have nice homes in Aberdeen, but not a lot of upscale homes. He pointed out that everyone in the room who lives in Aberdeen, unless they were born and raised in the area of East Bel Air Avenue and Old Post Road, lives in an area that was annexed into the City. He feels we have a lot of commercial buildings approved of late, but little in the way of residential. He is in favor of the petition as seen right now.

Councilwoman Landbeck said the City Council hopes the Planning Commission makes its recommendations based on the Comprehensive Plan, and that some of the comments made tonight run counter to language in that document. She feels the City has the right to develop in its own envelope; the County can choose to not allow such development for a certain period of time. Confusion arises when decisions are made contrary to the Comp Plan. She pointed out the charts in the Comp Plan concerning water and wastewater issues in this area, and the resultant number of houses that can be placed there based on those limiting factors. The question of who pays for infrastructure would be taken up in the annexation agreement.

Mr. Swisher again stated his feeling that the City needs a full spectrum of housing opportunities. He pointed out the City has already annexed on the other side of Interstate 95, that the subject property is a continuation and annexation next to a property already in the City, and therefore it is perfectly legal to annex this property.

Mrs. Heavey said the Comp Plan is not unchangeable, that it has been changed to accommodate the COPT project and the proposed Bush Chapel office park, both of which were not in the City's original vision for those areas. She said she hasn't heard any City citizens speak in support of this petition, and feels we need to consider them and those outside of the City limits that live in the County. Mr. Schlottman expressed respectful disagreement with Mrs. Heavey's position.

Mr. Hersh indicated the Planning Commission has approved a lot of commercial projects of late, but that national businesses will not come without housing being developed as well. Tax wise, he feels the City would make out on this property whether developed or not.

Mr. Braerman asked if the City were to annex, but the County disagreed with the action, wouldn't it be 5 years before anything could be built. Mr. Turner responded that if the Harford County Council approved a waiver, development wouldn't have to wait 5 years.

Motion by Mr. Schlottman, seconded by Mr. Hersh, that the annexation petition be accepted, with a recommendation that the property be brought in under R-1 zoning. The Chairman called for a roll call vote: Mr. Hersh – yes; Mrs. Heavey – no; Mrs. Kosko – no vote; Ms. Preston – yes; Mr. Braerman – yes; Mr. Schlottman – yes; and Mr. Swisher – yes. Motion passed, 5-1, with one no vote.

At this point, the Chairman called for a 5-minute break.

**2. First Revision of Final Plat 1 for The Residences at Fieldside Village
Location: Long Drive, across from Ripken Stadium and Fieldside Commons**

Representatives: Amy DiPietro, Morris & Ritchie Associates (MRA) and Ron Schaftel, President of Southern Land Company (SLC), property owner and developer.

Councilwoman Landbeck stepped down from the dais while this issue was being considered, as she has a conflict of interest in that her husband and brothers-in-law own one of the existing condo units.

Ms. DiPietro addressed the changes to the final plat. She indicated the original plat was recorded in 2007. There are two lot lines being removed for purposes of amending the plat, with an addition of five other lines to accommodate the proposed preliminary site plan.

Mrs. Grover indicated the original plat had a 55-foot homeowners association (HOA) landscape easement between Lots 4C and 4E, and a 24-foot common drive easement. She asked why these were removed. Ms. DiPietro said common access was required due to these lots being condominiums originally. Mrs. Grover asked about the landscape easement. Ms. DiPietro said this was an area that was to be maintained between the condos.

Mr. Lapinsky read into the record the comments that had been provided to Ms. DiPietro by the Aberdeen Department of Public Works (DPW), to wit: Include Mr. Schaftel's title and signatures in two areas; Surveyor needs to sign and seal the plat; Show and label access easement for the condos; A three-party agreement for the condos sewer through the private mains or separate water and sewer services for the condos and the apartments will need to be provided; Add the following note – "The approval and signing of this plat by the City of Aberdeen in no way guarantees the availability of water or sewer service to the property at the time of development;" Add the following note – "This project will participate in the City's Inflow and Infiltration (I&I) Program by treating I&I equal to the projected sewer flows generated by this project;" Label drainage and utility easement between Lots 4A through 4J and 4B through 4G as "Private;" Show and label proposed water meter drainage and utility easement; and provide signed, sealed, and dated letter certifying water usage.

Mrs. Kosko asked for clarification that the exhibit on display was currently under consideration. The Chairman confirmed this. As the Chairman had called for comments on the exhibit, Mrs. Grover and Mr. Lapinsky withdrew their comments, as they were not germane to the exhibit and neither had received a copy of the exhibit prior to the meeting. Ms. DiPietro said the exhibit was presented to highlight the changes to the plat itself.

Mr. Swisher feels there should be one lot for the condos with access to Long Drive, and one lot for the rental units. He feels the plat should be cleaned up to accommodate the change to rentals. He is not sure there is adequate parking per lot if the owners decide at some time in the future to sell off the individual rental lots. Ms. DiPietro said no parking areas are proposed inside the individual building lots, except for those buildings located along Long Drive; the other parking areas are located in the common lots. Mr. Swisher reiterated his position that there should be one lot for the condo building, with parking, and one lot for the rental buildings, to include the parking garages. Ms. DiPietro said this configuration was recommended by SLC's condo lawyer as the best way to move forward on this item. Ms. DiPietro added that there was never an intention for each condo to have its own parking. Mr. Swisher pointed out that the project is changing from condo to rental.

Discussion ensued over the old versus original plat, designated parking, common areas, and the Lot 4L designation for parking.

No determination was made on the revised plat. The consensus of the Planning Commission was in agreement with Mr. Swisher, that the plat be reworked and brought back before the Planning Commission for consideration.

3. Revised Preliminary Site Plan for The Residences at Fieldside Village **Location: Long Drive, across from Ripken Stadium and Fieldside Commons**

Representatives: Amy DiPietro, Morris & Ritchie Associates (MRA) and Ron Schaftel, President of Southern Land Company (SLC), property owner and developer.

Ms. DiPietro gave a power point presentation on the proposed project. The property owners have met with the owners of the existing condos. She reviewed the history of the area and how we got to where we are today on both the residential and commercial sides.

This project is intended to be 200 high-end apartment units – 72 1-bedroom, 106 2-bedroom, and 22 3-bedroom units. This use requires 418 parking spaces, with 425 provided. There are 8-inch water and sewer mains to the project, with a 6-inch service line to each site. Both utilities will become private and be maintained by the developer. Rents are projected to be in the \$1,100 to \$1,500 per month range. There will also be a 5,000-square foot community center and 89 private garage spaces. Other proposed amenities include gazebos, fire pits, seating areas, gas grills, patios, an outdoor pool, tot lot, car wash area, doggie stations, and a fitness and business center in the community building. Market research shows a heavy demand for such a community, therefore the expectation is for these buildings to be completed within a year.

Mr. Schaftel reiterated the points in Ms. DiPietro's presentation and emphasized the high-end nature of the project. He said they have had two meetings with the condo owners and have tried to relieve their concerns. He indicated the drawings are a preliminary rendering, that they are in the process of hiring an architect to produce specific drawings. He also indicated the need to go back before the Aberdeen Architectural Review Committee for their approval.

Mrs. Grover indicated she had sent comments to Ms. DiPietro and they have been incorporated, to wit: Add a note next to the 20-foot building setback line to indicate the landscaped buffer has been provided; Final review and approval will be needed from the Architectural Review Committee since this project is in the I-95 Overlay District; Change note 9 from Aberdeen Zoning Code to Aberdeen Development Code; Note 10 needs to be revised - see Chapter 235-18.M(11)(c)[3], Height ("the maximum height of any residential building shall not exceed 50 feet in height measured from the parapet to the average grade at the building perimeter"); The development staging will need to be addressed at the meeting (see Chapter 235-18.M(11)(h)[2][k] in the Development Code).

Mr. Lapinsky read into the record the comments that had been provided to Ms. DiPietro by the Aberdeen DPW, to wit: Include ownership information with Mr. Schaftel's title and signatures; A three-party agreement for the condos sewer through the private mains or separate water and sewer services for the condos and the apartments will need to be provided; Add the following

note – “The approval and signing of this plat by the City of Aberdeen in no way guarantees the availability of water or sewer service to the property at the time of development;” Add the following note – “Condition of approval: No building permits shall be issued for any lot whereby that lot’s anticipated flow at the time of building permit application would cause the City’s systems (water and/or sewer) to exceed its rated capacity;” Add the following note – “This project will participate in the City’s Inflow and Infiltration (I&I) Program by treating I&I equal to the projected sewer flows generated by this project;” Verify existing sewer configuration in Long Drive (discharge sanitary manhole is at the right-of-way); Relocate the proposed water meter and easement; and provide signed, sealed, and dated letter certifying water usage.

Mr. Lapinsky said the current utilities are public, but will go private with this change. He prefers a three-party agreement between the City, the condo owners, and the rental property owners to provide service through the private lines. If this doesn’t take place, new water and sewer lines will need to be extended to the condo, with the rest being private.

Mr. Hersh asked Mr. Schaftel if the meeting with the condo owners was positive. Mr. Schaftel said the first meeting was “not that great,” but he felt that things got better. His goal is to wrap his arms around the whole project and be part of the same community. He stated the condo owners will be allowed to use the proposed amenities free for two years after everything is completed. After that, the budget will be based on use by 216 units, to include the condos, with a proportional share paid accordingly. In terms of parking concerns, an additional 14 spaces have been provided, due to the fact that the building that was to have been attached to the present condos will not be constructed. Condo owners will be allowed to rent the garages if they so choose. He will also be contributing \$10,000 annually to the HOA operating budget to offset the cost of such things as snow removal, until such time as the apartments are completed. At that point, as indicated before, budgeting will be based on use by 216 units. He believes the high-end apartments will enhance the value of the area.

Mrs. Heavey asked about the proposed rents. Ms. DiPietro said the range would be from \$1,100 to \$1,500, with 1-bedroom going for approximately \$1,145, 2-bedroom approximately \$1,395, and 3-bedroom approximately \$1,500. Mrs. Heavey asked if there would be assigned parking. Mr. Schaftel said no, unless a garage was rented. If, as the buildings are constructed, there is no interest in the garages, then the option will be to simply have the parking spaces themselves.

Mrs. Heavey asked about the tot lot being on two different lots. Ms. DiPietro said this is the case, but is not a concern since it’s not a building per se. Mrs. Heavey asked about other changes. Ms. DiPietro said some of the garage spaces were moved and replaced with parking spaces to alleviate the concerns of some of the condo owners, and that the unit mix was changed, with 3-bedroom apartment units added to the original 1- and 2-bedroom types.

Mrs. Heavey opined the dumpsters seemed to be in inconvenient places. Ms. DiPietro said they are looking to locate these where they can be screened and for ease of truck access. Mrs. Heavey asked about the basis for water calculations. Ms. DiPietro said these are based on the Maryland Department of the Environment’s (MDE) water and wastewater management regulations.

Mrs. Heavey asked if the HOA would still exist. Mr. Schaftel said the condo association will remain intact and the apartments will have a management staff. Mrs. Heavey expressed concern

over responsibility for the 15 acres of open space, whether that falls to the condo owners or the property owners. Mr. Schaftel said the condo owners own just the area around the condo; he's not sure about the open space. Ms. DiPietro indicated SLC is currently maintaining this area.

Mr. Braerman asked about the size of the garages. Ms. DiPietro said the garages she saw at the apartment complex in North East are large enough for a full-size, extended cab, four-wheel drive truck. Mr. Braerman added that he would like to see a mix of condos and apartments at this location.

Mr. Schlottman asked about the completion time frame of 12 to 18 months. Mr. Schaftel said since the site work is completed, it's just a matter of constructing the buildings. They are working closely with The Bozzuto Group, an apartment management company. This company believes they can rent out 22 units per month.

Mr. Swisher feels the layout and buildings are nice, however he has a problem with mixing condo facilities with rental apartments. He identified two options. One, make the condo a stand-alone lot with its own parking. As it is, the condo owners are also beholden to SLC for roads to get to Long Drive. He would like to know what the concerns were of the condo owners and how all parties can come together and be protected. Mr. Swisher would also like to know who pays for maintenance of the storm water management pond and open space areas. He is concerned with the mix of ownership and rental, and it's not apparent that things have been worked out. The second option would be for SLC to get agreement with the condo holders or buy them out and make everything rental. Ms. DiPietro pointed out that if the condo lot is carved out separately, then all related maintenance costs fall to the condo owners.

At this point, the Chairman opened the floor to public comment.

Mr. Calvin Owens, 812-Q Long Drive. Mr. Owens indicated concern that his home value would decline and that there would be inadequate parking. He was told that regardless of what the condo owners think or do, this project is going to happen. He feels things have changed based on previous promises (i.e. retail across the street and other condos to be built), and is skeptical about this project, as things have already changed, such as the dumpster location and the nature of the \$10,000 contribution. He is concerned about parking spaces, required parking, and parking close to his building, due to health concerns of both he and his wife.

Mr. Steve Bowers, 812-P Long Drive. Mr. Bowers expressed no resentment or animosity toward the folks from SLC. He does have animosity toward what has happened over the years and feels they have been misled regarding the previously proposed retail and condo community. Now they are faced with an industrial office complex across the street and being surrounded by apartments.

Mrs. Billie Landbeck, 812-E Long Drive. Mrs. Landbeck indicated the condo association voted unanimously for the SLC parking plan that added the 14 spaces. She feels SLC has made every effort to be accommodating. She's not entirely happy, but feels we have to change with the times.

Ms. Chris Franklin, 812-D Long Drive. Ms. Franklin expressed agreement with Mr. Bowers. She is concerned with property value, parking, and proximity of the office building.

Mr. Jim Savage, 812-D Long Drive. Mr. Savage was impressed with the presentation. He feels it is better to see buildings there instead of vacant lots with pipes sticking up, but would like to see assigned parking. He doesn't understand the resistance to this. He sees the spreading out of the maintenance as a positive, but would love to be bought out. He feels this would answer the question of how private residences relate to rental property and how you get out if they decide to play hard ball. Overall, he feels a few adjustments, especially assigned parking, would go a long way.

Mr. Len Roman, 812-A Long Drive. Mr. Roman also expressed agreement with Mr. Bowers. He questioned whether the proposed garages would be used as garages or as storage units. He agrees it would be best to be bought out due to the decline in value.

These were the only comments offered by the public.

Mr. Swisher asked if SLC has a written agreement with the condo owners. Mr. Schaftel said they do not.

Mr. Braerman asked that if only half the proposed units were rented, would the related costs still be spread out over a factor of 216. Mr. Schaftel said they would always go with the 216 number, regardless of how many units were rented. Mr. Braerman asked if only 100 were rented, would the 216 still be used. Mr. Schaftel said yes. Mr. Braerman asked if this were in writing. Mr. Schaftel said it is not. He also added that they would not permit people to rent the garages for storage.

Mrs. Heavey asked about the \$10,000 contribution for 2 years and whether all the buildings would be constructed at once. Mr. Schaftel said they would pay \$10,000 per year to supplement the HOA budget until such time as all the apartment buildings are up. At that point, the costs would be divided out by 216. Use of amenities by the condo owners will be allowed for a period of 2 years after they are completed.

Mrs. Kosko asked who is a member of what association, HOA or condo. Mr. Schaftel said HOA documents are in place for the whole property, including the condo lots and the roadways, and as owner of that property SLC controls that association. Mrs. Kosko asked if there is a condo association. Mr. Schaftel said there is, that it relates to the condo building. Mrs. Kosko referred to the statement about heavy demand for high-end apartments. She expressed difficulty understanding where that demand is coming from. She asked if the buildings would be constructed in phases. Mr. Schaftel said the buildings would be constructed as fast as they could rent them. Mrs. Kosko asked if the community center would be built toward the middle or end of the project. Mr. Schaftel said it would be in the middle. Mrs. Kosko expressed concern over previous development promises that didn't come to fruition.

Mr. Braerman asked if there would be Section 8 housing provided. Mr. Schaftel said no, they are not obligated to provide any sort of subsidized housing.

Ms. DiPietro informed everyone that SLC is not a contract purchaser, that they own the land in question.

Ms. Preston said she is sympathetic to Mrs. Kosko's comments, and is concerned that if the apartments don't rent, then the other amenities won't get built. No one here has control of the economy, therefore the expressions of concern. Ms. Preston asked if boats and RVs would be allowed to be stored on the premises. Mr. Schafel said they have covenants that would prohibit such vehicles. Ms. Preston said she would like to see a compromise over parking, perhaps signage setting some areas aside. She asked if the apartment leases would be for one year. Mr. Schafel said yes.

Mr. Swisher feels this will be a good project if built out. He again opined there could be one lot, with a buyout, or two lots, peeling the condos off as their own separate lot. He would like to see the comments from the two public input meetings. He feels the Planning Commission needs more information, and therefore would like to hold any decision in abeyance until more information is received. He feels if the condo people are kept in as part of the development, there will need to be some sort of agreement between the parties concerning roads, green space, and storm water management.

Motion by Mr. Braerman, seconded by Ms. Preston, to defer the plan until all Planning Commission concerns are addressed. Mr. Hersh asked what the Planning Commission wants them to come back with other than separation of the lots, that the HOA issues have nothing to do with the Planning Commission. Discussion ensued over what sort of concerns would need to be addressed, if they have any bearing on the decision(s) of the Planning Commission in this matter, or if such matters are under the Planning Commission's purview. Ms. Preston feels there are issues with parking and whether the condo owners have a clear understanding of what is involved. She feels the Planning Commission has a duty to make sure the condo owners are aware of what's coming down. Additional discussion ensued over written agreements addressing parking and/or other Planning Commission and condo owner concerns.

Ms. DiPietro suggested deferring approval of the revision to the final plat.

Mr. Swisher reiterated his concerns over who owns which lots and who is responsible for maintenance. He feels the condo lot should be separate with its own parking. He's not sure of the relationship of the condo and rental sides and why we have all these separate lots. He feels that until all the details are worked out, and all are in agreement, that the Planning Commission should defer consideration.

The Chairman called for a roll call vote on the motion: Mr. Hersh – no; Mrs. Heavey – yes; Mrs. Kosko – yes; Ms. Preston – yes; Mr. Braerman – yes; Mr. Schlottman – no; and Mr. Swisher – yes. Motion passed, 5-2.

Mrs. Grover asked the Chairman to provide a summary of what items the Planning Commission would like to see addressed and resolved.

At this point, the Chairman called for a 5-minute break.

4. Revised Final Subdivision Plat for Lots 4 and 5 of Beards Hill Park
Location: Corner of West Bel Air Avenue and Beards Hill Road.

Representatives: David Taylor, David G. Taylor & Associates; Paul Thompson, Architectural Design Works (ADW); and Wayne Tapscott, property owner.

The site housed the former Harco car dealership. This proposed revision is to eliminate the internal property lines and remove the setback issues that would affect the proposed redevelopment.

Mr. Swisher asked about ownership of the storm water management pond. Mr. Tapscott said it is owned by a non-profit company and benefits the surrounding properties.

Mrs. Grover asked that the notes be changed to reflect a zoning of B-3 instead of R-2, and to reflect “street” instead of “house” address.

Mrs. Grover read into the record the comments that had been provided to Mr. Taylor by the Aberdeen DPW, to wit: Label existing storm water management pond easement; Provide signed, sealed, and dated letter certifying water usage; Add the following note – “The approval and signing of this plat by the City of Aberdeen in no way guarantees the availability of water or sewer service to the property at the time of development;” Add the following note – “Condition of approval: No building permits shall be issued for any lot whereby that lot’s anticipated flow at the time of building permit application would cause the City’s systems (water and/or sewer) to exceed its rated capacity;” and add the following note – “This project will participate in the City’s Inflow and Infiltration (I&I) Program by treating I&I equal to the projected sewer flows generated by this project.”

Mrs. Kosko pointed out that if the plat deals with just Lots 4 and 5, and not 6, the indication of Lot 6 should be removed from the title, as well as the word “preliminary.” Mrs. Grover concurred that both should be removed.

Motion by Mr. Schlottman, seconded by Mrs. Kosko, that the revision be approved, with the inclusion of comments from the staff and Planning Commission. Motion passed unanimously.

5. Preliminary Site Plan for The Corner at Beards Hill

Location: Corner of West Bel Air Avenue and Beards Hill Road.

Representatives: David Taylor, David G. Taylor & Associates; Paul Thompson, Architectural Design Works (ADW); and Wayne Tapscott, property owner.

Mr. Taylor indicated the plan is for two new retail buildings on this site. Each building would be 10,500 square feet, in addition to maintaining and improving part of the existing building in the rear of the property. This would be a mixed use, retail/commercial project submitted as a shopping center. Storm water management would be addressed under the new regulations. Access would be off both Beards Hill Road and West Bel Air Avenue, as well as internal roadways.

Mrs. Grover asked about stacking for a proposed drive-thru. Mr. Taylor said this is a generic layout; a specific layout will be prepared when a potential tenant is identified. Mr. Thompson added there is a lot of room to work with in that regard.

Mrs. Grover said a note referencing a landscape plan would need to be added. She also asked about the existing rear building. Mr. Taylor said a portion of this building would be kept. The State Highway Administration (SHA) has received their plan and they are awaiting comments back from SHA.

Mr. Lapinsky read into the record the comments that had been provided to Mr. Taylor by the Aberdeen DPW, to wit: Show and label existing storm water management pond easement; Provide 3 grid tics in multiples of 250 feet; Provide signed, sealed, and dated letter certifying water usage; Remove paving, curb and gutter, and storm drain that encroaches on the 15-foot drainage and utility easement; Proposed bio-retention facility and easement needs to clear of the 15-foot drainage and utility easement; Show and label the storm water management bio-retention easement; Provide address for existing building that will remain; Show existing water and sewer services to the existing building that will remain, including cleanouts and water meter(s); Provide certified backflow prevention testing for the existing building (by a certified backflow prevention tester); Provide 5-foot sidewalks along Beale Drive and Brady Way (the limits of this property); Proposed sewer and associated 20-foot drainage and utility easement needs to be located outside the storm water management easement (existing pond); Provide drainage and utility easements around proposed water meters; Provide calculations for the alteration of the existing storm water management facility to verify pond volume is not reduced; Storm Water Management Maintenance Agreement(s) needs to be executed and recorded by deed; Grease hauling agreements/contracts need to be provided to the City prior to use and occupancy; Backflow preventer installation certifications are required prior to connection to the public water system; Add the following note – “The approval and signing of this plat by the City of Aberdeen in no way guarantees the availability of water or sewer service to the property at the time of development;” Add the following note – “Condition of approval: No building permits shall be issued for any lot whereby that lot’s anticipated flow at the time of building permit application would cause the City’s systems (water and/or sewer) to exceed its rated capacity;” Add the following note – “This project will participate in the City’s Inflow and Infiltration (I&I) Program by treating I&I equal to the projected sewer flows generated by this project;” A public works agreement is required for the proposed public improvements; and SHA comments will be forwarded when available.

Mr. Lapinsky added that the parties will need to sit down with Aberdeen DPW to resolve some issues.

Mr. Thompson indicated the rendering on display is a concept drawing. They are also negotiating with the lessee in the rear building. This complex is intended for either retail or a large medical center. Mr. Thompson described the exterior features as stone and brick, with a metal seam roof, metal awnings, faux slate shingles, and cupolas. Architectural designs are on all four sides of the building. A dining courtyard would be between the two buildings and also serve to connect the rear building.

Mr. Hersh asked about the intended nature of the building in the rear and whether it would be 2-stories. Mr. Thompson said that has not yet been determined.

Mrs. Heavey asked about sidewalks. Mr. Taylor said these would be along the Beards Hill Road and West Bel Air Avenue sides of the property, as well as internal sidewalks around the buildings themselves. He will talk with Aberdeen DPW about additional sidewalks. Mrs. Heavey felt there were a lot of access points. Mr. Taylor said those off Beards Hill Road and West Bel Air Avenue are going through the permit process with SHA. The access in the rear of the property is pre-existing, with one of the internal access points being relocated for better truck access.

Mrs. Heavey asked how many units would be in the two front buildings. Mr. Thompson said this is subject to market demand, but that some interest has been expressed in anywhere from 2,500 to 5,000 square feet, so they're very encouraged. Related parking will also be a factor and will need to be taken into consideration when tenants are identified.

Mr. Schlottman asked about the general nature of the tenants that have expressed interest. Mr. Tapscott identified a café, appliance/furniture showroom, and professional, financial, and personal services. He indicated there is interest in 1,200 to 1,500 square foot units.

Mr. Swisher asked about the access permit from SHA. Mr. Taylor said they have received tentative approval on an access permit.

Motion by Mr. Schlottman, seconded by Ms. Preston, that the Preliminary Site Plan be approved, with the inclusion of staff comments. Motion passed unanimously.

There being no further business or public comment, the meeting was adjourned at 10:27 p.m.

Planning Commission Chairman

Recording Secretary

Date of Approval